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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Second International Decade for the Eradication of Colonialism: assessment of decolonization process in today's world

Nouméa, New Caledonia
18 to 20 May 2010

STATEMENT

BY THE

Pitcairn Islands Study Center

(Dr. Herbert Ford, USA)

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Herbert Ford, Director, Pitcairn Islands Study Center

Pitcairn Island, deep in the heart of the South Pacific Ocean, is, even as we meet here today, in the process of recovering from one of the most hurtful of times in its history. A few years ago, allegations were made of criminal activity by Pitcairn men dating back several decades. The allegations led to investigations, and these led to trials and convictions of some of the accused. The world press was invited by the island's Governor to come to Pitcairn and to lay out for the entire world, in whatever sensational way it chose, the full details of the trials.

When the small army of judges, prosecutors and defense attorneys left Pitcairn at the conclusion of the trials, they left a deeply fractured community. The world-wide press coverage that had ensued left most Pitcairners in all parts of the world feeling that they had been victimized, that they had needlessly been held up to a world-wide libel of hatred, ridicule and contempt. Today the wounds are still open and raw. If ever there is to be a healing of the deeply-wounded Pitcairn spirit, it will likely be measured in decades, certainly not in months or a mere one or two years.

If the sad half-decade of the immediate past has brought any ray of hope to Pitcairn Island, it is that for the first time in history the United Kingdom has finally become much more fully aware of its tiny South Pacific colony located more than 9,000 miles from London. Needed infrastructure, resources and expertise are finally being made available

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to the island, help that for decades had been neglected. As a result of the changes, some material progress has been made. And, on a very recent and much more positive note, something of the spirit, if not the reality of independence is being noised about by the United Kingdom for its smallest Overseas Territory.

In this spirit, Pitcairn in 2007 began a restructuring of its governance system, with a comprehensively written if sometimes confusing set of policies and procedures. Many on the island are still trying to get used to the multi-layered governance structure – something considerably more complicated than the former, simpler one that had been in force since the beginning of the 20th Century.

The new governmental structure, implemented by Pitcairn's former Commissioner, encourages more decision-making on the Island rather than in the Wellington-based Governor's office. More power has also been transferred from the Pitcairn Administrative Office in Auckland, New Zealand, to the Pitcairn Island Council, and to four island administrative "Divisions." But, alas, no political or managerial training has been given to these good people who have never before been exposed to the intricacies of self-governance.

Transition from Pitcairn's former paternalistic regime to the new level of self-determination has been necessary, of course, but some question if it has been handled in the best-way possible. Many on Pitcairn feel it all happened very fast, whereas other

overseas territories had several years to work out their direction, and to receive guidance along the way. Because of the Pitcairn criminal investigations and trials, roughly from

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2000 to 2007, little was done toward self-determination until very recently. The Pitcairn Commissioner put the community through the restructure process mainly in 2008 while it was still working through the impact of the trials. The new governance structure was officially launched in January 2009.

Early in 2007, the Pitcairn Council asked the authorities to provide governance training to those on the Island. They were given a couple of hours' seminar on "good governance." In order to understand governance FOR the people as well as BY the people, Pitcairners desire and are surely entitled to more training. Since all Government jobs on the Island are now contracted, training is also needed in performance management and employment relations – since there are no local laws relating to employment-related disputes.

The people of Pitcairn have not yet been fully granted the opportunity to grasp the implications of the United Kingdom's "White Paper," though some effort was made in 2007 to spread information about it. As early as 2001, when the island's mayor was made aware of the White Paper, he called a public meeting and asked the Governor's office in Wellington for more information, and help for the people in decision-making relative to the various options presented i.e. independence, association, or integration. No response was received.

Of more recent times the Department for International Development has provided for the island consultants and specialists in a number of areas like engineering, environmental and store management, all of which have been of benefit to Pitcairn. However, today the Pitcairn people still await and continue to need the political

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information and education which was promised to all overseas territories. The United Nations Committee of 24 in 2003 presented a ten-point action plan on Self-Determination, designed to be carried out in four stages; public education and dissemination of information were highlighted as critical to the process. This help has not yet come to Pitcairn Island.

A few years ago, a local colonial authority indicated that people on Pitcairn Island did not have the capacity to benefit from political and social education programs, if indeed money and expertise were invested in bringing representatives to the Island to hold workshops for the people. Ignoring this insult, it should be noted that some on the Island have little political experience, but that is through no fault of their own, and that fact should encourage rather than discourage authorities to invest in political education programs, which the United Kingdom committed itself to in UN Resolution 1541 of 1960, and UN Resolution 2625 of 1970.

Independence for Pitcairn is hardly an option with only about 50 inhabitants and minimal infrastructure, relying as the Island now does on supplies from New Zealand every three months by ship, and otherwise subsisting on garden produce and fishing. The concept of trusteeship under the United Nations has been discontinued on a world basis since 1994, a concept that could have been an option for Pitcairn Island. Another option

is a “connection” to New Zealand, like Tokelau has, for England is, after all, more than 14,000 kilometers away. The British government tried unsuccessfully in 1946 to transfer

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jurisdiction of the Island to New Zealand, but New Zealand at that time had no “strategic use” for Pitcairn Island.

The Pitcairn Constitution of 1970, which basically set down the Pitcairn Island Governor’s rights and privileges, had no provision in it for the human rights of persons on the Island. But after a 2009 visit by two representatives for Human Rights, who held a week-long seminar to finally inform the Pitcairners, the Governor consulted the people to develop a modern Constitution, which was ratified on 4th March 2010.

For the first time in Pitcairn Island history, Pitcairners now have Human Rights protection; the 1970 Constitution had no provision in it from the European Convention of Human Rights. The people of Pitcairn now have the judicial right to “legal assistance of his or her own choosing,” six years after the defendants at the Pitcairn trials were denied their own choice of counsel.

Those on Pitcairn also now have the basic human right to “just administrative action,” and an independent “ombudsman” is provided for in the new Constitution.

The concept of “Crown Land” was first introduced to the Pitcairn people in a Land Tenure Ordinance in 2006, and is upheld in the latest Constitution, while before 2006, the Pitcairn Island Land Court and the Island Council were the owners of unclaimed land. The Governor’s office claimed that Crown Land is an established fact in the other overseas territories, so, he said, Pitcairn was no exception.

The Pitcairn people have also opposed the new Constitution’s insistence that “statutes of general application as in force in and for England for the time being shall be Page 6
in force in Pitcairn,” yet the Falkland Islands, St. Helena, Ascension and Tristan de Cunha do not have corresponding “Statutes of general application” clauses in their Constitutions. The statutes of general application is seen by Pitcairners as conflicting with the principles of the rule of law and good government as preserved by the partnership principles of the White Paper. If English law is to be applied to Pitcairn Island, Pitcairners believe it should be promulgated like the Island’s local laws and ordinances.

Pitcairn has gone through some drastic transformations. It has been a huge challenge for the few people living there to cope with the increasing responsibilities associated with being more self-determining. But in the last several years the Pitcairn people have again proved they are survivors, and have adapted to the new systems and changes despite a number of barriers to progress.

A pointed example of the kind of steps that must be taken if success is to be achieved on Pitcairn Island is the removal of the United Kingdom’s present, draconian measure that today prohibits visits to Pitcairn Island by all children of age 15 or younger, even those accompanied by their parents. This is an unwarranted, left-over vestige of the xenophobia generated by the Pitcairn trials more than half a decade ago. Scattered worldwide every day by the Internet and other mass communication media, this measure indict

all Pitcairn people as the child abusers they most definitely are not. The continuation of this law is hurtful to Pitcairn Island psychologically, socially and economically. As but one example, it bespeaks an ongoing distrust by the colonial power without any present-day evidence of a need for its continuation. This sort of shackling all but smacks of a

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police state, and does little to foster decolonization, mutual trust and progress in partnership.

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